



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,299	01/10/2001	David Clarke Pollock	HEM 99/607 (A-2911)	9699

7590 06/03/2002

LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD, FL 33022-2480

EXAMINER

PRONE, JASON D

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 06/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/758,299

Applicant(s)

POLLOCK ET AL.

Examiner

Jason Prone

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 January 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Drawings

1. The drawings are objected to because it is unclear, from Figure 3, how the sub-frame is pivotally connected to the housing. It is also unclear which side of the sub-frame has the pivot. Figure 3 is 5 rectangles and a line, more detail is required. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

The following title is suggested: "A helical cutting unit and the method for operating".

3. The disclosure is objected to because of the following informalities: On page 8 line 5, the phrase "cut-to-length" should be replaced by "cut-to-cut length".

Appropriate correction is required.

Claim Objections

4. Claims 10-19 are objected to because of the following informalities: In regards to the term "folder", it is unclear what is being referred to.

Appropriate correction is required.

Art Unit: 3724

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Martin.

Martin discloses the same invention including a pair of cylinders (6a and 6b) disposed opposite one another (Fig. 3) with a gap formed in-between (Fig. 3), that the pair of cylinders includes a first cutting cylinder (6b) having a periphery with a cutting knife disposed helically about the periphery (14), a second cylinder (6a), and a drive means (2).

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 2-4 and 7-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin in view of Murphy. Martin discloses the invention including the use of a drive that comprises a first and second drive both mounted to their respective cylinders to cut the material in a straight line (2), that the drives are motors (2), and that the drives are gears (12) {rest listed above} but fails to disclose a control unit connected to and controlling the first and second drive. Murphy teaches the use of a control unit connected to and controlling drive (Column 8 lines 14-27). Therefore, it would have

Art Unit: 3724

been obvious to one skilled in the art, at the time of the invention, to have provided Martin with a control unit to control the rotational speed on the cutting cylinder.

9. Claims 5-6 and 9-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Martin and Murphy in view of Neff et al. Martin, and Murphy disclose the invention including an optical sensor (Column 7 line 8 in Murphy) connected to the control unit (Column 8 lines 14-27) {rest listed above} but fail to disclose a sub-frame having a pivot point, that the sub-frame supports the first and second drives, and an additional drive for pivoting the sub-frame about the pivot point. Neff et al. teaches the use of a sub-frame having a pivot point (43), that the sub-frame supports the first and second drives (Column 2 lines 68-75), and an additional drive for pivoting the sub-frame about the pivot point (32). Therefore, it would have been obvious to one skilled in the art, at the time of the invention, to have provide Bolton, Martin, and Murphy with a sub-frame having a pivot point to control a cutting length of the material to be cut.

In lieu of Martin, Murphy, and Neff et al., the method claimed is inherent.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Bolton, Putt, Jarvis, Hallden, Ronai, Ohmori et al., Myogadani, Wathieu, Michler ('558), and Michler ('941).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason Prone whose telephone number is 703-605-4287. The examiner can normally be reached on 7:30-5:00, Mon - (every other) Fri.

Application/Control Number: 09/758,299
Art Unit: 3724

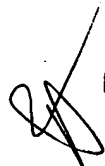
Page 5

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on 703-308-1082. In lieu of mailing, it is encouraged that all formal responses be faxed to 703-872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1148.



JP
May 30, 2002



M. Rachuba
Primary Examiner